



DEPARTMENT OF HEALTH
AND ENVIRONMENT

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Interim Guidance on Treatment of Carbon Dioxide Emissions in the KDHE Permitting Process

KDHE is issuing this guidance document to explain its policy regarding carbon dioxide emissions and the review of permit applications under the Kansas Air Quality Act during the interim period between the April 2007 Supreme Court's decision in *Massachusetts v. EPA*, which first established that carbon dioxide was a pollutant, and the federal government's anticipated issuance of new federal laws and/or regulations concerning greenhouse gas emissions.

To protect the health of Kansans and our environment, it is KDHE's policy to review the carbon dioxide emissions of new baseload electric generating units (EGUs) as part of the permitting process. In connection with applications for new baseload EGUs, KDHE is reviewing projections of carbon dioxide emissions and requiring measures to reduce or offset these emissions. Under this policy, no other permit applications are subject to carbon dioxide analysis as part of the permitting process.

KDHE is focusing on electric generating facilities because they already account for more greenhouse gas emissions than any other sector of the economy: 34% of all emissions. Moreover, any decisions made now to approve permit applications for new EGUs will have long-lasting consequences, because these facilities typically operate for 30-50 years. Focusing on greenhouse gas emissions from new baseload EGUs is also consistent with the policies and regulatory actions of numerous other states, including Michigan, California, Washington, and the ten Northeastern and Mid-Atlantic states participating in the Regional Greenhouse Gas Initiative (RGGI).

This policy will also ease the transition to new federal requirements to reduce greenhouse gas emissions. The Obama Administration has announced its intention to address climate change as a national priority. EPA Administrator Lisa Jackson has already indicated that EPA will soon issue an endangerment finding in response to the direction of the US Supreme Court in *Massachusetts v. EPA*. President Obama has also directed EPA to reconsider its denial of California's application for a waiver to limit automobile greenhouse gas emissions. Several congressional leaders have announced that they are already working on legislation directed at reducing greenhouse gas emissions.